UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
2157	18

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/495,751	IGNATIUS ET AL.
	Examiner	Art Unit
	LaShonda T. Jacobs	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 January 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to amendment filed on January 5, 2004. Claims 1-6 are

presented for further examination. Claims 7-20 are newly added by Applicant are also present

for examination.

Priority

1.   Applicant has not complied with one or more conditions for receiving the benefit of an

earlier filing date under 35 U.S.C. 120 as follows:

The later-filed application must be an application for a patent for an invention which is

also disclosed in the prior application (the parent or original nonprovisional application or

provisional application); the disclosure of the invention in the parent application and in the later-

filed application must be sufficient to comply with the requirements of the first paragraph of 35

U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32

USPQ2d 1077 (Fed. Cir. 1994).

An application in which the benefits of an earlier application are desired must contain a

specific reference to the prior application(s) in the first sentence of the specification of in an

application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior

nonprovisional application must include the relationship (i.e., continuation, divisional, or

continuation-in-part) between the applications except when the reference is to a prior application

of a CPA assigned the same application number.

Applicant is required to submit a mark-up for a continuation-in-part showing the subject

matter added where there is an intervening reference (See MPEP 704.11(a)(K)).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claims **1-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention. "analyzing the file to

determine whether to send the file to the destination data mover in chunks". The application

fails to disclose the criteria needed in order for one to determine whether to send the file in

chunks or not. The specification is not enabling with respect to the claims at issue because all

the methods needed to practice this invention is not well known.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claims **1-7, 9-11, 13-14, 16-17** and **19-20** are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Examiner is unclear as to the meaning of the

word chunk. Examiner perceives a chunk to be a section or fragment or segment or blocks of

data until further clarification by the Applicants.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims **1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al

(hereinafter, "Xu", 6,324,581) in view of Kimura.

As per claim **1**, Xu discloses a data storage system having at least one storage device for

storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col.

  3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-

  67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a source data mover, communicatively coupled to at least one storage device to send the

  file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines

  1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9,

  lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- analyzes the file to determine whether to send the file in chunks.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- analyzes the file to determine whether to send the file in chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **2**, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- sends the file in chunks along with header information regarding the chunks.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- sends the file in chunks along with header information regarding the chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size to according to header information to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **3**, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41)

However, Xu does not explicitly disclose:

- for determining, according to characteristics of the file, whether to send the file to in chunks.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- for determining, according to characteristics of the file, whether to send the file in chunks (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to the characteristics of the file to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim **4**, Xu discloses:

- the source data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- determines whether to send the file in chunks according to the file format.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- determines whether to send the file in chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to the file format to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim 5, Xu discloses a data storage system having at least one storage device for storing a file, the data storage system comprising:

- a destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- a source data mover, communicatively coupled to at least one storage device that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- determines, according to characteristics of the file, whether to send the file to in chunks along with header information containing processing information regarding the chunks.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- determines, according to characteristics of the file, whether to send the file to in chunks along with header information containing processing information regarding the chunks

(col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to header information to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim 6, Xu discloses:

- the source data mover that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- determines whether to send the file in chunks along with header information according to the file format.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- determines whether to send the file in chunks along with header information according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers

in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to the file format to eliminate waste of memory space by using variable-sized offset and length fields.

As per claim 7, Xu discloses:

- the source data mover that sends the file to the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- analyzes the file to determine whether to send the file in chunks according to the file format.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- analyzes the file to determine whether to send the file in chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by incorporating a compression and decompression engine within the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to the file format to eliminate waste of memory space by using variable-sized offset and length fields.

As per claims **8, 12, 15** and **18**, Xu discloses the invention substantially as claimed.

However, Xu does not explicitly disclose:

- wherein the file format comprises one or more of the groups consisting of text format, audio format and video format.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- wherein the file format comprises one or more of the groups consisting of text format, audio format and video format (col. 5, lines 16-53 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art to modify Xu by specifying the format of the file being sent between the data movers in order to examine, divide and send files or other data sequences into chunks or blocks of a fixed maximum size according to the file format to eliminate waste of memory space by using variable-sized offset and length fields.

As per claims **9**, **13**, **16** and **19**, Xu discloses:

- the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- stores chunks according to the file format.

Kimura discloses a method and system for compression and decompression using variable-sized offset and length fields including:

- stores chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5, lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art

to modify Xu by incorporating a compression and decompression engine within the data movers

in order to examine, divide, send and store files or other data sequences into chunks or blocks of

a fixed maximum size according to the file format to eliminate waste of memory space by using

variable-sized offset and length fields.

As per claims **10**, **14**, **17** and **20**, Xu discloses:

- the destination data mover (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37,

  col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines

  59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41); and

- different storage locations (abstract, col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37,

  col. 3, lines 66-67, col. 4, lines 1-25, col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines

  59-67, col. 10, lines 1-5, lines 26-49 and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- stores chunks according to the file format (col. 3, lines 1-32, col. 4, lines 40-54, col. 5,

  lines 16-53, lines 66-67, col. 6, lines 1-45, col. 7, lines 46-67 and col. 8, lines 1-6).

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art

to modify Xu by incorporating a compression and decompression engine within the data movers

in order to examine, divide, send and store files or other data sequences into chunks or blocks of

a fixed maximum size according to the file format to eliminate waste of memory space by using

variable-sized offset and length fields.

As per claim **11**, Xu discloses:

- wherein the source data mover that sends the file to the destination data mover (abstract,

    col. 1, lines 22-41, lines 65-67, col. 2, lines 1-37, col. 3, lines 66-67, col. 4, lines 1-25,

    col. 7, lines 62-67, col. 8, lines 36-56, col. 9, lines 59-67, col. 10, lines 1-5, lines 26-49

    and col. 20, lines 29-41).

However, Xu does not explicitly disclose:

- send the file the in chunks along with header information regarding the chunks

    according to the file format.

Kimura discloses a method and system for compression and decompression using variable-

sized offset and length fields including:

- send the file in chunks along with header information regarding the chunks according to

    the file format.

Given the teaching of Kimura, it would have been obvious to one of ordinary skill in the art

to modify Xu by incorporating a compression and decompression engine within the data movers

in order to examine, divide, send and store files or other data sequences into chunks or blocks of

a fixed maximum size according to the file format to eliminate waste of memory space by using

variable-sized offset and length fields.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-6 have been considered but are moot in

view of the new ground(s) of rejection.

The Office notes the following arguments:

a.   Casagrande does not disclose or together suggest the elements in claim 2, including a

destination data mover and a source data mover, communicatively coupled to the at least one

storage device, that sends a file to the destination data mover in chunks along with header

information instructing the destination data mover regarding the chunks.

b.   Casagrande does not disclose or suggest the elements in claim 3, including a data storage

system comprising a destination data mover and a source data mover, communicatively coupled

to the at least one storage device, for determining, according to characteristics of the file,

whether to send the file to the destination data mover in chunks.

c.   Casagrande does not disclose or suggest the elements in claim 5, including a data storage

system comprising a destination data mover and a source data mover, communicatively coupled

to the at least one storage device, that sends the file to the destination mover in chunks,

according to file characteristics, along with header information instructing the destination data

mover regarding the chunks.

        In considering (a)-(c), Applicant's arguments have been considered but are moot in view

of the new ground(s) of rejection.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

        U. S. Patent No. 6,604,149 to Deo et al

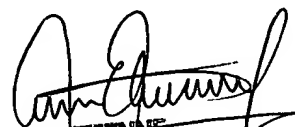   U. S. Patent No. 6,003,089 to Shaffer et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
March 4, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100